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AUTHOR Higgins, Scottie; Hockenberry, Cathe
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ABSTRACT

State and federal policy issues regarding graduation requirements for handicapped students are explored. After a historical review of such issues as school attendance laws and the competency based testing movement, the effect of state and federal legislation is discussed. State action regarding minimum competency testing is charted and four policy option areas (the single standard diploma, the differentiated standards diploma, standards and curricular adaptation, and alternative education programs) are presented. Chapter II examines the impact of judicial decisions on educational policies. The impact of educational research on policies is the focus of the third chapter. Positive and negative aspects of policy options are addressed. (CL)

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POLICY OPTIONS REGARDING GRADUATION REQUIREMENTS AND THEIR IMPACT ON HANDICAPPED STUDENTS

Scottie Higgins, Project Director
Cathe Hockenberry, Education Specialist

Policy Options Project
February 1979

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INTRODUCTION

American education plays a variety of roles and assumes a myriad of characterizations ranging from caretaker--in loco parentis--to facilitator of social change. In fact, resourcefulness and the ability to control change are strengths of the American system. The American public school system, however, has been propelled to change in recent years not by professional educators, but by public sentiment aroused by judicial and legislative decree and by educational research. These changes have influenced almost every aspect of the educational process. The area of most recent concern to the American public is graduation requirements for a high school diploma. The value of a high school education and more specifically of a high school diploma has come under attack from business and industry groups, parents, educators and even students, themselves. For handicapped students, education has always been valuable, and the attainment of a high school diploma was considered the omega of a long, frustrating fight to share in the birthright of their nonhandicapped peers. Until recently, the basic right to an education was denied to many handicapped students. Today, handicapped students are winning the right to be educated in regular classrooms along with nonhandicapped students by enactment of federal laws and judicial interpretation of those laws and evolving educational practices.

This paper will address the primary needs and concerns of handicapped students as they relate to the broad issue of graduation requirements and the specific issue of minimum competency testing. The specific methodology to be followed will be organized around the three areas effecting change in the educational environments of both handicapped and nonhandicapped students: (1) legislative (both state and federal) decree, (2) judicial decree and (3) educational research and reports. Under each of the above headings, the salient points will be presented in the form of policy statement(s) or policy option statement(s); a

comprehensive discussion of the statements, and then a presentation of the implications of the particular policy option. The central issue, as it relates to handicapped students, and what constitutes equitable graduation requirements will be looked at in light of these variables:

- public and professional concern over student "outcomes" (competencies),
- how the value of a high school diploma affects later job or continuing education opportunities,
- "exclusionary" policies and practices of states or districts that prevent certain groups of students (minority, disadvantaged or handicapped) from achieving a high school diploma, and
- differences in diplomas that may influence pedagogical decisions on types and levels of curriculum for "classes" of students.

In an attempt to establish a base of information on which to make policy decisions affecting handicapped youth, it is necessary to review some relevant school policy issues.

Historical Overview of School Issues

Ever since the first schools were established by the local church or community, citizen control over curriculum and methodology was a power, sometimes absolute, sometimes delegated, but always in evidence. When schools and education became a responsibility of the states, citizen boards became the officials delegated to control and influence local school systems in matters of state laws and regulations. These laws and regulations were instigated by the legislature and influenced by power structures within the state. Issues such as compulsory school attendance laws, curriculum and textbook regulations, school bond and finance referendums, and Carnegie unit course-related graduation requirements are all examples of special interest influence in matters of educational policy and practice.

School Attendance Laws

School attendance laws were enacted to protect children and youth from being exploited in jobs and also to allow for adequate time for teaching and learning. Economic security and availability of jobs for adults were advanced by Child Labor Laws and Compulsory School Attendance Laws among other cultural phenomena. With youth in school for a specified number of hours and until a specified age (usually age 17), adults would have preference in full-time jobs. During periods of economic recession this is especially necessary to promote stability in business and industry.

Curriculum, Textbook and School Bond Issues

Curriculum and textbook monitoring are measures states use to direct what is being taught in localities so that the content of the material is not objectionable to civic, religious or political groups. States delegate to Local Boards of Education the power to set standards and form policies. Textbook selection also determines to a large degree the quality of curriculum offered and how that curriculum is presented to students. It is this area of textbook selection that the public has long regarded as essential to standard setting. Historically, the area of textbooks and standards for the curriculum has always been a furtile area for public debate and interest. School bond issues and building projects are directly tied into citizen control on both state and local levels by means of a voter referendum. Without citizen appropriation of tax monies, school building programs could not be initiated. Citizen input and sanction are necessary when new tax levies are proposed for school building projects, renovations and consolidations.

Carnegie Course Units

Carnegie course units are a system of measurement that state and local school boards use as one determination of a student's competency for a high school diploma. Carnegie units were instituted in school systems initially at the insistence of colleges and universities who were recipients of Carnegie donated endowment money

for professors' pensions, if the higher education institution required for admission 14 standard (Carnegie) units equaling 120 60-minute hours of instruction (Nathan and Jennings 1978). The Carnegie unit system was geared to the number of hours a student spent in class, not t the quality of instruction or course work. As a requirement for high school graduation, the Carnegie unit system was one effective way states and localities could regulate how long a student stayed in school.

During the fifties and sixties local boards of education often delegated the power and resources in the making of educational policy to the professionally trained school administrator and his/her appointed staff. Expansion and innovations in both school buildings and programs and "new" curriculums in math and science along with alternative high schools were all under the direction of the school administrator. Federal laws and regulations also impacted upon the citizen's duty with respect to educational issues in his/her community. With the Supreme Court decision in Brown v. Board of Education of Topeka, Kansas (1954) and the Civil Rights Act of 1964, the federal government along with the federal courts, moved into the educational arena. "Unequal educational opportunities," discrimination, desegregation and busing became familiar terms to citizens faced with federal mandates to their school systems. The plus side of the federal presence was federal grants and monies to states and local school districts.

The Elementary and Secondary Education Act of 1965 (ESEA) and the subsequent Titles under this Act enabled school districts to provide additional, sometimes innovative, programs for school children. The federal influence was also felt in laws designed to give equal educational opportunities to minorities, including handicapped persons (Weintraub and Abeson, 1972) by passage of P.L. 94-142, the Education for All Handicapped Children Act of 1975. Although the degree of federal involvement in the schools is strong in areas safeguarded by the Constitution, the states are also launching an educational endeavor in the area of mandated literacy for high school graduates: The Competency-Based Testing Movement.

The Competency-Based Testing Movement

Citizen groups, local and state boards of education, and certain special interest groups have now been given the opportunity to revamp and revise educational policies, standards and curriculum by embracing the competency-based testing/education movement. The intent of this movement is to expand state and local control into the areas of school standards and curriculum. The heart of the controversy centers on specific requirements for high school graduation and grade promotion. The school curriculum was alleged to be at fault because too many students were being promoted or graduating from high school without rudimentary skills in reading, writing and computation. These claims were based on numerous studies, reports, polls, surveys, comparisons of standardized test results, and task force panels on the state of the art in American high schools today. The public now had a documented issue on which to force change in the schools and also the means to insure that the change was defined along certain specified parameters.

The "means" became a test or tests of minimum competencies. The basic skill areas of reading, writing, computation and the less defined areas of adult life survival skills became the "parameters," wherein the public schools were being directed to focus all their energies and expertise. To insure that the public's demand that students demonstrate a minimum level of competency in the basic skills, many state legislatures and state boards of education have mandated competency-based testing as one more requirement to be satisfied before a student can graduate from high school.

The Educational Needs of Handicapped Students

Surrounding the whole issue of graduation requirements, the competency-based testing movement and the public's outcry for the tightening up of educational standards, stands the very real concerns and needs of approximately 8 million handicapped students in this country. In the past, educational programs, services and even opportunities for educational advancement have been denied to handicapped

students by the public school system. Not until passage of P.L. 94-142 in November 1975, and full implementation of the law for ages 3-18 in September 1978, have all handicapped students been afforded the right to a "free, appropriate public education" (20 USC 1411 Section 612 (2) (B)); and to enjoy that education, whenever appropriate, with their nonhandicapped peer group. With the advent of the competency-based testing movement, many of the educational program gains made by the handicapped population could be threatened or delayed by state or local regulations affecting access to regular classes or programs of study.

This paper will analyze selected issues in the areas of graduation requirements and the competency-based testing movement that could help or hinder the right to an appropriate education for all handicapped students. The following three sections will classify the issues inherent in the areas of graduation requirements and competency testing, as they affect handicapped youth, according to the broad areas of legislative and judicial impact and educational research.

I. IMPACT OF THE LEGISLATURE ON EDUCATIONAL POLICIES

Before discussing the specific implications for handicapped youth fostered by state legislative actions mandating minimum competency testing programs as an additional graduation requirement, a policy base will be established that will present general state laws regulating compulsory school attendance and requirements for a high school diploma. Included will also be discussion of the federal laws and regulations protecting the rights of the handicapped and minorities in matters dealing with educational policies. The specific outline to be followed will be: (1) discussion of state laws governing graduation requirements currently in existence; (2) discussion of new state laws and regulations imposing minimum competency testing requirements for a high school diploma and the possible impact of these laws and regulations on programs and services for the handicapped; (3) discussion of Public Laws and federal regulations (P.L.s 93-380 and 94-142 and Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964) safeguarding the rights of the handicapped and minorities, and the interface of these federal decrees with the new state laws and regulations governing minimum competency testing (MCT) programs; and (4) the overall impact of education laws and the educational policy resulting from those laws on programs and services for the handicapped student.

Requirements for high school graduation are not new, and a recent study by the National Association of Secondary School Principals (1975), graphically reported that most states have laws or regulations specifying either attendance procedures and units (years) of study (based on the Carnegie system discussed earlier in this paper) necessary to receive a high school diploma. The following chart (NASSP, 1974) lists a state by state breakdown of graduation requirements.

Following the chart, five sample state policies are discussed and updated. General comments are also included to illustrate common practices among states in the areas of required courses and alternative methods to achieve a diploma, for both handicapped and nonhandicapped students.

SUMMARY OF STATE-MANDATED GRADUATION REQUIREMENTS
(Note: Most state requirements are minimums)

Units (years) of Study Required for Graduation

STATE	English	Soc. St.*	Math.	Science	PE.HE	Other	TOTAL
Alabama	4	3	1	1	4	Electives	7	20
Alaska	3	2.5	3	w/math	1	Electives	6.5	16
Arizona	3	2	1	1		Electives	8.5	16
						5=Free Enterprise System		
Arkansas	4	1			1	1 major	3	
						3 minor	2 ea.	16
+California	(Shared with local boards of education)							oSee 1 below
Colorado	none specified							18
Connecticut	none specified but graduate must be familiar with U.S. history							
Delaware	4	3	1	1	1.5			18
+Florida	2	2	1	1	1		15	oSee 2 below
							(above grade 9)	
Georgia	3	3	1	1		Electives	9	18
+Hawaii	4	4	1	1	1.5	Electives	6	18
						Guidance	.5	oSee 3 below
Idaho	3	1.5	1	2	1.5	Electives	8-8.5	17
Illinois	3	1			4	Electives	11	16
Indiana	3	2	1	1	1	Electives	8	16
Iowa		2			4			Open
Kansas	4	2	1	1	1	Electives	9	17
Kentucky	3	2	2	2	1	Electives	8	18
Louisiana	3	2	2	1	2			20
(2 plans)	2	2	1	1	2	(2 from Eng., SS, Math, or Science)		
Maine	4	1	(not more than ¼ of credits from non-classroom experiences)					16
Maryland	4	3	2	2	1	Electives	6	18
Massachusetts		1						Open
Michigan		.5(Civics)			1			Open
Minnesota	3	2			1	Electives	9	15
								(10-11-12th yr)
Mississippi	3	2.5	1	1		Electives	4	16
Missouri	1	1	1	1	1	Fine Arts	1	20
						Practical Arts	1	
Montana	4	1.5	2	1	1			16
Nebraska	The only requirement is 120 sem. hrs in grades 10-11-12							Open
Nevada	3	2	1	1	2.5		9.5	19
New Hampshire	4	2	1	1		Electives	8	16
New Jersey		2			3-4			Variable
New Mexico	4	2	1	1	1			18
New York	4	3		1	4.5	3 yr sequence in sci., math., foreign lang., mus., art, bus., ind. art, homemaking, or voc. subjects		16
North Carolina	4	2	1	2	1	Electives	6	16
							(local option allowed)	
North Dakota	4	3	1	2	1	Electives	6	17
Ohio	3	2	1	1	1			17
Oklahoma	4	1.5	1	1				18
+Oregon	3	1	1	1	2	(Citizenship ed,	1	
						Personal finance,	1	21
						Career ed,	1	oSee 4 below
						Electives)	10	
Pennsylvania	3	2	1	1	3	0 - Grades 10-11-12		Open
Rhode Island	4	1	1	1	4	Electives	9	16
South Carolina	4	2	2	1	1	Electives	8	18
South Dakota	4	2	1	1	(These are recommendations only)			16
Tennessee	4	1.5	1	1	1.5	Electives	9	18
Texas	3	2.5	2	2	2	Electives	6.5	18
Utah (10-11-12)	3	2	1	1	1.5	Electives	6.5	15
Vermont	4	2	1	1		Electives	8	16
+Virginia	5	3	2	2	3	Electives	8	23
(grades 8-12)								oSee 5 below
Washington	3	2.5	1	1	2	Electives	7.5	16
						Occup. Ed.	1	
West Virginia	4	3	1	1	1			17
Wisconsin	none specified							Open
Wyoming		1						18

*One year of U.S. history is required in 45 states.

+States selected for further analysis in this report.

Selected Analysis of State Mandated Graduation Requirements in Five States: California, Florida, Hawaii, Oregon, Virginia

1. The State of California lists these general requirements for graduation:

   - Adequate skills and preparation for work
   - Instruction in values, morals, citizenship, and humaneness
   - Personal and public safety, to include effects of drugs and alcohol
   - Academic preparation sufficient to graduate not to exclude entering higher education. Courses must be offered in these areas of study: English, social sciences, foreign languages, science, mathematics, fine arts, applied arts, vocational-technical education, physical education and driver education. The State expects districts to establish minimum levels of proficiency in basic skills. To graduate, sufficient proficiency must be shown in English, American history, American government, mathematics, science, and physical education. Alternate modes, such as work experience, are encouraged. (NASSP, 1975, p.20)

State statutes in California also require that local districts must insure that handicapped youth acquire the skills necessary to function in contemporary society, but that they need not receive the same diploma as other students. A conference committee that meets annually to write the individualized education program (IEP) must prescribe performance standards in basic skills the student must achieve in order to receive a diploma, according to the State Department of Education.

2. In the State of Florida, only one year of social studies is required if three years of social studies are taken during grades 7, 8, 9. The course "Americanism vs. Communism" is required of all graduates.

Students may graduate in less than three years if accepted to an accredited post-secondary institution. A minimum of 10 credits above grade 9 is required. The diploma is granted after successful completion of 2 semesters of college with an average grade of "C" or better, or if the student has earned sufficient credits to graduate from high school.

Students may also graduate under a program of job entry when students are age 16 or older with 2 full years and 10 credits of completed high school, to include

demonstrated job proficiency or 1 credit in a vocational course. A cooperative agreement among parent, teacher, and employer also is required.

Students may also graduate under a plan of "student performance" developed by each district. (NASSP, 1975, p. 20)

The State Legislature in Florida has also mandated Minimum Competency Testing (MCT) as a requirement for high school graduation for the class of 1979 and for grade promotion and for early exit from high school. This law is called the Educational Accountability Act and it places a ban on social promotions. The State Legislature in 1978 also made provision for a special diploma in a form prescribed by the State Board of Education for certain exceptional educable and trainable mentally retarded (EMR + TMR) students.

3. In the State of Hawaii, special programs may be arranged for students with special needs. Credit for part-time work experience may be granted. Likewise, a task force of the Hawaii Department of Education (AASA, 1978) came up with seven alternatives to the practice of issuing one kind of certificate or diploma. It listed the advantages and disadvantages of each alternative. The alternatives range on a continuum from a single standard diploma to a differentiated diploma, based on a graduated scale of competencies, and included certificates of competency and attendance.

4. In the State of Oregon, graduation requirements began with class of 1978. Each student's transcript of record shall indicate the degree to which he or she has demonstrated the knowledge and skills to function in: (1) Personal Development, (2) Social Responsibility, and (3) Career Development. The local district shall identify the performance indicators. Credit by examination is allowed. A certificate of competency may be awarded to those students who have completed some, but not all, graduation requirements.

Four years of attendance in grades 9-12 is required unless waived by the local district. Local districts may also execute these options:

1. Decide whether or not to allow off-campus experiences toward the earning of credits.
2. Allow college credit alternative
3. Allow independent study
4. Allow work experience
5. Allow credit by examination for waiving required course areas
6. Allow credit by examination for waiving required course areas and granting credit
7. Decide whether or not to waive some on campus attendance requirements
8. Decide whether or not to have pre-tests for entering 9th graders
9. Decide whether or not to award certificates of competency
10. Decide whether or not to exceed
    a. Minimum course offerings
    b. Clock-hour lengths
    c. Competency categories (NASSP, 1975, p. 21)

School districts in Oregon are required to award diplomas to handicapped students who complete a special education program, but the diploma may not be modified to differentiate the special program requirements from those of the regular school program. Any such differences should be noted on the student's transcripts of records according to state regulations. (Oregon State Board of Education Codes as reported in AASA, 1978, p. 47)

5. In the Commonwealth of Virginia, the Standards of Quality Act of 1976 mandated a required number of courses, along with hours of attendance (23 credits from grades 8-12). Now, the Virginia General Assembly has mandated that by 1981, "all students of public and private high schools pass state-prescribed reading and math tests in order to get their diplomas." (The Washington Post, Aug. 21, 1978) As yet, no provisions for special diplomas for exceptional students have been outlined by the State Board of Education.

In analyzing the state requirements chart, (see p. 8) some common features among the states emerge. For example, 45 states have a state-mandated graduation requirement of one year of U.S. History and 41 states have a requirement of at least one year of English from grades 9-12; almost half of the states do not require 4 years of attendance at a secondary school for the awarding of a diploma; and a number of states grant the diploma after successful completion of one or two semesters in an accredited post-secondary institution. Many states, such as

Montana, New Jersey and New Hampshire, grant credit for special examination, for independent study, for community service activities, for Work Study, Job Corps, or college level courses, and from approved correspondence schools. In Pennsylvania, "any pupil of 14 years or older not benefiting from the regular instruction may, with the approval of parents and principal, have an individualized schedule as long as it includes instruction in citizenship and communication skills" (NASSP, 1975 p. 21).

But course requirements and attendance policies are apparently not stemming the tide of citizen complaint directed towards high school graduates who cannot adequately read, write or compute in basic life situations. Educators and statisticians report that both verbal and math scores on the Scholastic Aptitude Tests (SAT) have steadily declined since 1965 and the U.S. Office of Education reports that 23 million Americans are functionally illiterate (NASSP, 1977). Education Daily reported in September 1978 that while the average verbal SAT score held steady, (ending a 10 year decline) the math SAT score continued to decline.

The National Assessment of Education Progress (NAEP) in 1975 reported in a nationwide survey of 17 year old students and young adults that "many consumers are not prepared to shop wisely because of their inability to use fundamental math principles such as figuring fractions or working with percents" (as cited in NASSP, 1976, p. 4). Comparative surveys of writing skills in 1970 and 1974 show 13 and 16 year old youth to be using a more limited vocabulary and writing in a shorter, more "primer-like" style in 1974 than in 1970. And the Association of American Publishers revised its textbook study guide for college freshman in 1975, gearing the reading level down to the ninth grade (NASSP, 1977, p. 4).

In trying to reverse this decline, secondary education has tried to influence learner outcomes by programmed instruction, behavioral objectives (based on the business world's management by objective) and now both criterion and norm

based education. Criterion referenced education programs are based on a specific set of standards that the "average" student is thought to acquire at a specific point in his/her academic career. Norm based education again places the individual student within a larger national group for the purposes of standard setting and to match how the student achieves when compared to the larger group. Standardized tests incorporate the criterion and norm referenced principles when determining what is to be a particular pass rate for a nationally-normed test. Minimum competency tests are based on standardized tests and are oriented towards specific, identifiable responses. Minimum competencies are usually measured by performance tests that may be developed locally or a school system may choose to use a nationally normed standardized test. Competency-based education programs (CBE) are being instituted in a number of states in an attempt to reverse the decline in academic excellence by students; by instituting a new set of educational standards; by acting as remediation programs for those students who "fail" competency-based tests; and by acting as a vehicle to teach the specific competencies needed to pass competency-based tests.

George Elford of the Educational Testing Service points out an important difference between competency testing and some of the other prevalent practices listed above. "In the present systems standard setting takes place within each classroom, with each teacher deciding who passes or fails. With minimum competency testing, standard setting becomes a public process" (as cited in Reilly, 1978, p. 23). It is this "public process" or public concern that marks the competency-based education movement which evolved in some states and districts over how to measure and guarantee the quality of education, culminating in the awarding of the high school diploma as a true standard of achievement.

> 47% of adults with no children in schools and 55% of those with school-attending children believe we could improve public education by devoting more attention to teaching of basic skills.
>
> --Gallup Poll, 1977.

The "back to basics" movement has found a public forum for its ideals and strategies in the Competency-Based Testing movement. To certify that reading, writing and arithmetic are taught correctly (meaning that a student will achieve a minimal level of skill or competency), laws are being passed to insure competency in these areas by means of a test. Unless these tests are passed at a particular demonstrated level of achievement (a cut-off score usually 70% of test items correct), a high school diploma will not be issued to a student even if other state and local requirements are met. Arthur Wise, author of "Rich Schools, Poor Schools," describes minimum competency testing and competency-based education mandates as two of the most recent steps in the growing attempt by society to regulate education.

In April 1976, only eight states required minimum competency testing of students (as a requirement of graduation). By November 1977, the number had risen to 31 with minimum competency testing mandated by legislation in 11 states and by state board of education regulation in 20 (Education Daily--Special Supp. Dec. 15, 1977). As of August 1979, 36 states have some form of mandated competency-based testing provision either in the legislature or in state school board regulations and 20 of those states link competency testing to graduation requirements (Pipho, 1978).

The following chart, adapted from the State Activity-Minimum Competency Testing Report (Sept. 1978), illustrates the specific legislative or state board of education action taken in each state; the specific areas to be tested and in what grades; what specific purpose(s) the tests are to be used for; what specific provisions (if any) there are for the handicapped; and particular useful comments on policy issues.

STATE ACTIVITY IN MINIMUM COMPETENCY TESTING States	Action Taken	Setting of Standards	Grade Levels & Skill Areas Measured	Use of Standards and Test	Provisions for Handicapped	Comments
Alabama	SB Res. 1977	SDE*	9-12 Basic Skills	High School Graduation		Committee of 100 to make study and recommendation - due July 1, 1978
Alaska						
Arizona	SDE ruling	SDE - by local districts	8 & 12 Basic Skills	for grad. from grades 8 & 12		Basic competencies on a 9th grade level for H.S. diploma
Arkansas						
California	SB 1502-1976 AB 3408 Ch 856-1976 AB 65 Ch. 894	Local districts set Grad. standards	Test grades 7-9 once 10-11 twice in Basic Skills	for H.S. Grad.	Diploma provisions up to Local Districts for handicapped students	SB 1502 provides testing for early out with parent permission AB 65 allows for Elem. School testing for remediation & grade promotion
Colorado	SB 180-1975 C.R.S. 22-32-109.5	Local Boards	Gr. 9 & 12 2x per yr.-skills up to Local District	Local District option for H. S. grad.		If Local District imposes test for H.S. grad. - must follow stipulations of this Act.
Connecticut	SBE+ Res. 11/77 - early exit	SDE - using commercial tests	Age 16 - Academic areas tested	H.S. equivalency diploma to counseling and follow-up teaching		Contingent upon funding from '78 legislation
Delaware	SBE Res. 1976	SDE	Gr. 11 in 1978--Level 2 competencies	H.S. Grad.		Base line testing instrument given to private test-maker
Florida	CSSB 107 (FS 76.226) 1976	State and Local Boards	Gr. 3-5-8-11 Basic Skills	H.S. Grad. Grade Promotion Early exit	1978 SBE Regs. to list how handicapped can take MCT	Education Accountability Act places ban on social promotions.
Georgia	SBE action	SBE & SDE	Gr. 4 & 8 in math, reading, social studies and science	SBE has not taken final action on use of tests		Local districts to get funding for program
Hawaii						
Idaho	SBE Res.	SBE	9-12 Basic Skills	H.S. Grad. at option of Local Districts	Districts not participating get local diploma	Student passing proficiency exam to get diploma with State seal - Local

Basic Chart from C. Pipho - Education Commission of the States

* State Department of Education + State Board of Education

14 states have legislative decrees on MCT.
20 states out of 35 (so far) have CBT as a Graduation Requirement (as of August 3, 1978).

STATE ACTIVITY IN MINIMUM COMPETENCY TESTING States	Action Taken	Setting of Standards	Grade Levels & Skill Areas Measured	Use of Standards and Test	Provisions for Handicapped	Comments
Illinois						
Indiana	SBE Res 2/1978	Local Districts with Advisory Committees	Grades 3-6 8-10 in Reading	For Remediation - Local districts may use for other purposes		Rules and Regs. await AG & Governor's approval(3/78)
Iowa						
Kansas	SBE 1/78 HB 3115 4/78	SDE with Local Districts	Grades 3-6-9 Academic Skills and Reading and Math	Local District Option		Pending Leg. in 1978 - could alter SBE mandate
Kentucky	SBE adopted 4 yr. competency plan 1977 & HB 579 1978	SDE with task force	Grades 3-5-8-11 Basic Skills	H.S. Grad. & grade promotion		
Louisiana	HB 810 Act 709 1976	St. Sup. of Schools	Gr. 4-8-11 Basic Skills	No mention of grad. or grade promotion		Requirements are part of Accountability and Assessment Law.
Maine	Amends LD 1810 Ch. 78, Private Special Laws	SDE	Gr. 11 Committee established by Law to establish areas for testing	H.S. Grad.		Statewide Committee to help Commissioner to establish areas and develop assessment instrument & also names of organizations to serve on Committee
Maryland	HB 1433 M.A.C. 1976 - Art. 77, Sec. 980 & HB 1462 Ch. 559(1977)	SBE	Gr. 2-12 & 3-7-9-11 Reading	H.S. Grad. and grade promotion	Students with physical or mental handicap which affects ability to read are exempted.	Students that fail to meet minimum requirements retained in grade or sent to remedial programs
Massachusetts	SBE	Local School Districts	Early Elem., later Elem. & Secondary Levels - Basic Skills by Sept.1980 (Math and Communication Skills)	The purpose is not to establish a new condition for promotion or graduation	The Advisory Committee on High School Grad. Requirements established by SDE in 1977 reported in A Proposal for a Mass. Essential Competency Standards Program that "some children with certain specialized needs" be exempted from proposed testing. Also, D. of Sp. Ed. says IEP should depict MCT modifications for students.	
Michigan	SDE	SDE	Gr. 4,7,10 Reading and Math	For Local District Use		12th gr. MCT covering life role skills under study

Basic Chart from C. Pipho - Education Commission of the States

* State Department of Education + State Board of Education

STATE ACTIVITY IN MINIMUM COMPETENCY TESTING States	Action Taken	Setting of Standards	Grade Levels & Skill Areas Measured	Use of Standards and Test	Provisions for the Handicapped	Comments
Minnesota						
Mississippi						
Missouri	SBE	SDE	Gr. 8	No mandate for grad. or grade promotion	1978 Leg. ruled that IEP would determine if handicapped can take MCT and how they should take it	Basic Education Skills Test developed by SDE has been field tested in grades 8-10-12.
Montana						
Nebraska	SDE	Local Districts	Begins in Gr. 5 until mastery in Reading, Math, Writing	State-developed test is not to be used for gr. retention of promotion		Local districts may use (NABELS) or develop own test.
Nevada	AB 400-1977	SBE	Grades 6-9-12 - Basic Skills	H.S. Grad.		
New Hampshire	SDE	SDE	Grades 4-8-12 under development Communication Skills, Math & N.H. & U.S. Hist.	No mention of Gr. promotion or H.S. Grad.	State accountability planning groups will address issue of Handicapped & MCT during 78-79 school year.	
New Jersey	A. 1736 Ch. 97 1976 & SDE	State SDE	__ Gr. Reading & Math Gr. 3,6,9,11 Reading & Math - Life Skills under study	Student diagnosis & remedial assistance		Local Districts are to provide remedial programs to bring students up to state standard SDE - Development of testing instrument given to Private Testing Co.
New Mexico	SBE	State	Gr. 10 - APL test & writing sample	Proficiency endorsement on H.S. diploma		The SDE is working on skill area curriculum guides.
New York	St. Board of Regents	Regents	Grs. 9-12 in Reading, Math, Academic Subjects, Physical Ed. & Health	H.S. Grad.	Pupil Evaluation Plan (PEP) to determine handicapped students' progress in Basic Skills	
North Carolina	H.B. 204 & H.B. 205	By Competency Test Commission set up by law	Gr. 1 & 2 - criterion reference Gr. 3-6-9 - norm ref.	H.S. Grad. & to be determined by CTC		
North Dakota						
Ohio						

Basic Chart from C. Pipho - Education Commission of the States

* State Department of Education + State Board of Education

STATE ACTIVITY IN MINIMUM COMPETENCY TESTING States	Action Taken	Setting of Standards	Grade Levels & Skill Areas Measured	Use of Standards and Test	Provisions for Handicapped	Comments
Oklahoma	SBE	Decision to follow baseline data	Grades 3-6 9-12 - Reading and Survival Skills in Gr. 12	Decision to follow baseline data test given in 1977		
Oregon	SBE - 1972	Local Districts	District option - 7 skill areas tested Life Skills & Basics	for H.S. Grad.	*No diploma difference for handicapped	Grad. requirements are based on course credit, attendance & required competencies.
Pennsylvania						
Rhode Island	SDE		Gr. 4 & 8 age 17 used in pilot test sample - Life Skills	For Local District & SDE use; Competency-based diploma for H.S. under study		R.I. Master Plan for evaluation and assessment program have jointly contributed to pilot testing in Life Skills areas.
South Carolina	enacted H. 2053 7/78	SBE	Gr. 1,2,3,6 & 8 Basic Skills Gr. 11 - Adult functional competencies	For Remediation		Bill is waiting on Governor's signature 8/2/78
South Dakota						
Tennessee	SBE 11/77	SDE & Local Districts	Gr. 11 & 12 Basics & Gr. 4,5,6,8 at Local District's discretion	H.S. Grad. class of '82 and Remediation		Two different programs were established in the same court ruling.
Texas						
Utah	SBE 1/77	Local Districts	Grades at Local District option Basics & Social Studies & Problem Solving	H.S. Grad. class of '80		Local Districts will choose test and set cut-off standards.
Vermont	SBE	SBE	Basics & Communication Skills & Reasoning Skills under study	H.S. Grad. - Competencies to graduation unless student has handicap	Mastery of be one requirement for	basic com-

Basic Chart from C. Pipho - Education Commission of the States

* transcripts to show differences in programs

* State Department of Education + State Board of Education

STATE ACTIVITY IN MINIMUM COMPETENCY TESTING States	Action Taken	Setting of Standards	Grade Levels & Skill Areas Measured	Use of Standards and Test	Provisions for Handicapped	Comments
Virginia	HB 256 1976 & SBE ruling	SBE with Local Districts	Gr. 4-8-12 Math, Communication Skills, Read Reading	H.S. Grad. (1981) and Remediation .	Local Districts to make determination on diploma status for handicapped	Called Standards of Quality Act - 1978 State Leg. mandates state-wide testing in reading & math with commercial test
Washington	SB 3026 HB 1345 1976	Local Districts	Basics using Standardized Achievement Tests	For School district & parent use		School districts are encouraged to develop separate test for Gr. 2 for early identification of pupils needing assistance in Language & Computation.
West Virginia						
Wisconsin						
Wyoming	SBE policy	Local Districts to set specifics	___ Grades Basics & Social Studies	H.S. Grad.		Start update rules & regs. determined by SDE - Local districts to verify & go beyond minimums
District of Columbia						

Basic Chart from C. Pipho - Education Commission of the States

* State Department of Education + State Board of Education

State Laws and Regulations

In analyzing the preceeding chart of state activity in the area of minimum competency testing, certain educational policy issues and implications emerge:

(A) Minimum Competency Testing (MCT) as a graduation requirement is law in 14 states so far, and the possible ramifications of those laws are of vital importance to educational consumers (teachers, students and their parents).

(B) The issue of a test as an additional graduation requirement (in 20 states at present) along with Carnegie units and hours of attendance means that some students could receive less than the regular high school diploma and that for some students this could mean loss of particular employment or status in society.

(C) The impact on programs and services for exceptional students (both the handicapped and the gifted) is speculative at present, but if "exclusionary" educational policies and practices are adopted by state and local boards of education, then litigation could result. So far, only 10 states have language in their laws or regulations that addresses how and if a handicapped student is to take minimum competency tests when there is a requirement of such for high school graduation.

Further analysis reveals 7 states have Minimum Competency Testing for local district use only; 1 state (Washington) has testing for school district and parental use and 4 states (Florida, North Carolina, Tennessee and Virginia) have language that specifically establishes remediation programs for students in the basic skill areas where need has been determined by results of minimum competency testing programs. Thirty-five states test in the basic skill areas (reading, math and communication skills) and 15 states, among them, New Mexico South Carolina, Oklahoma, Oregon and Rhode Island, test in additional areas. New Mexico adds a writing sample in Grade 10, South Carolina adds an Adult Functional Competency Test in Grade 11, Oregon tests Life Skills in certain defined

areas, Rhode Island, in a pilot test of 17 year olds, also tested Life skills, and Oklahoma in a baseline data test given in 1977 tested survival skills in Grade 12.

One implication that can be drawn from analysis of state policy decisions regarding minimum competency is that particular care should be taken that policy statements written to either exclude or include to varying degrees handicapped or other minority students from either competency-based testing programs or certain other graduation requirements, do so in terms of exceptions for all students and provide for flexibility on an individual case basis. This particular issue was brought to light by testimony to the National Education Association (NEA) panel investigating the Florida Competency-Based Testing (CBT) Program, which stated that many of the identified special education youngsters were tested with the same tests as those given to other students, without regard to degree of exceptionality. The state department of education has stated that this was an oversight and legislation has been proposed to allow for specially devised tests for the different exceptionalities (NEA Study, 1978).

Types of Diplomas

Once state requirements are identified, an analysis of the various types of diplomas issued must be explored before any application can be made to appropriate policy regarding handicapped students.

For purposes of this paper, the real or full or regular diploma is defined as that document which is awarded for satisfactory completion of all graduation requirements both state and local. These may include (1) any and all competency tests mandated, (2) required courses and number of Carnegie units and (3) number of school days attended as required by law.

The differentiated diploma is defined as any deviation in part of the above requirements and such that the state or local board of education would indicate thus, by a change in the physical document (size, color, notation) given to the student.

The certificate of competency(ies) is defined as that document that a student would receive for satisfactory completion of competency-based education programs and/or tests and attendance laws.

The certificate of attendance is defined as that document that specifies that a student has completed the number of school days required by law and would attest to his/her participation in various types of courses.

If the central issue in the discussion of graduation requirements focuses on the competencies necessary for obtaining a high school diploma, different "levels" of diploma policy may emerge. Who gets the bonafide diploma is a question that could shape educational policy decisions in the near future. Webster's defines bonafide as: in good faith; without dishonesty, fraud or deceit, see authentic. It is the real, bonafide, full or regular diploma that is being attacked as not substantiating the actual skills of the high school graduate. The differentiated diploma, certificate of competency or attendance are all alternative documents that are even less understood.

In the Model Statute prepared for the American Bar Association by The Council for Exceptional Children (July, 1978) legal language addresses the central issue surrounding the awarding of diplomas (or certificates) to handicapped or other minority groups. The issue at hand is exclusion by class of persons rather than by differences in programs. In essence, the language states that variation in either format or content of the document (diploma or certificate) will not be tolerated unless the district offers (1) the differentiated document to nonhandicapped or other minority persons based upon a particular course of studies and (2) the curriculum of the particular course of studies or program is radically different from the regular school curriculum. This should serve as a minimum policy base for all future discussions regarding appropriate documents surrounding exit criteria for the handicapped.

Standards, Curriculum and Alternative Education Programs

For handicapped students, access to the regular curriculum in the academic, business and vocational subject areas is considered essential for future career opportunities and employment. Educational policies in the areas of standards and curriculum have been in a process of change from the more permissive policies of the 60's to the gradually more traditional, conservative-oriented policies of the 70's.

Restructuring of the regular curriculum in the academic and vocational areas to focus on specific task analysis of school-subject areas and job skills can enable the handicapped student to compete with his/her nonhandicapper peers. A detailed task analysis can minimally specify:

- which modality (either the auditory or visual channel) could be adapted in order to present a particular task to the best educational advantage of the handicapped student;
- what skill entry level is needed to adequately perform the given task;
- which skills inherent in the task need to be modified or detailed for the handicapped student;
- which measures of output (completion of task) need to be modified to reflect the capabilities of the handicapped student;
- which types of assessment instruments would most accurately reflect the skill level and knowledge level of the handicapped student.

The issue of the content validity of testing instruments entails a discussion of the curricular modifications needed either before or after implementation of a testing-assessment program. Ideally, a testing-assessment instrument should attempt to reflect the strengths and weaknesses of the curriculum in existence at the time of assessment. The content validity of the given testing instrument would then have a high degree of correlation to the instructional content being presented to the students under assessment. Whether the tests are standardized tests from a particular basal reader series, nationally-normed achievement tests or the newly mandated minimum competency tests (MCT), the expected student outcomes should

reflect a working knowledge of the existing school curriculums if the above mentioned tests were chosen for the accuracy of content in comparison with the school's own curriculums.

If the testing-assessment instrument does not have content validity, that is, the students were neither exposed to nor taught the specific skills or curriculums being tested, then the accuracy of the testing results is in question for both handicapped and nonhandicapped students. Handicapped students share an additional burden in local or state wide mandated testing programs, in that they often do not have access to the regular curriculum taught in regular classes. Curriculum guides for special education classes and/or Resource Centers have not always been written to correlate with the existing curriculums in the basic subject areas of language arts, reading (English), mathematics, social studies (History) and the sciences. In some states, access to the regular curriculum is the only way for a student to compete for the real, full or regular diploma. In addition, if a state has a law or State Board of Education resolution mandating the passing of a minimum competency test as a requirement for high school graduation, then access to the regular curriculum and concommitantly, competency testing programs based on that curriculum, is vital to handicapped students who desire a regular high school diploma.

The individualized education program (IEP) mandated by P.L. 94-142 for all handicapped students can specify:

- The degree of involvement of the handicapped student in the 'least restrictive environment' to meet his/her unique educational needs and also to provide the most 'appropriate educational program' to the student (access to the regular curriculum);
- The degree of modification of the regular curriculum needed to enhance the learning process for the handicapped student and also the particular resources (people and materials) needed by the student to aid in the learning process;
- The degree of modification of the standardized or minimum competency testing (MCT) program needed to enable the handicapped student to participate in the testing process.

The regulations for Section 504 call for any tests or testing programs for the handicapped to be valid measures of the handicapped student's achievement level rather than reflective of the degree of sensory, perceptual, emotional or orthopedic impairment level. The IEP can be used to further clarify how existing testing programs are made equitable for handicapped students and to ensure that § 504 safeguards on testing procedures are followed.

Alternative educational programs for all students, and more specifically, handicapped students, are avenues that school systems can consider when making policy decisions affecting educational placements. The doctrines of least restrictive (alternative) environment and appropriate educational placement commensurate with the needs of the individual student, promulgated by P.L. 94-142, can be met in alternative educational programs when such programs are designated by the Placement Committee responsible for implementing the IEP for each handicapped student.

Curriculum modifications, access to regular school programs and minimum competency testing programs, and alternative educational programs are all policy option areas which need further investigation and clarification. Decisionmakers on both the state and local educational levels will need to have a comprehensive base of information in order to make effective policy decisions with respect to standards setting and the needs of handicapped students.

As set forth in the Florida regulations (on implementation of the Accountability Act), a specific learning disabled student who needs to take a competency-based test orally (because of visual-motor problems) is prevented from achieving a full diploma and must receive a differentiated diploma. This particular policy option can have a negative implication since by virtue of this learning disability he/she could need restructuring of the test in order to compete. However, because the manner in which the LD student takes the test is different (to meet his/her

individual differences), the option of receiving a full or regular diploma is denied. In comparison, the Florida Board of Education regulations for blind or partially sighted students allows them the options of using Braille or large type materials to take the competency test and does not force this group of students to accept the differentiated diploma. Thus, it would appear that a policy discrepancy regarding the student, based on a handicapping condition, exists.

Another policy decision, for both states and local school districts, when incorporating minimum competency testing programs into existing graduation requirements, is the question of timeliness. Adequate phase-in and preparation time are necessary for both students and teachers especially, if a state or local district uses a commercially prepared test. Negative policy implications can arise when students are expected to pass a commercially prepared test, on standards that may or may not conform to local standards, and be denied a high school diploma for failure to pass the test when adequate time for test preparation is denied.

Regarding the issue of timeliness, the Department of Health, Education, and Welfare's proposed policy interpretation of Title VI of the U.S. Civil Rights Act of 1964, which dealt with competency tests as a requirement for graduation is pertinent in this case:

> The late imposition of a requirement for graduation (of) passing a competency test limits a student's opportunity to fully participate in the education process, and in Society, because(s) he does not have sufficient time to meet the requirement. (Cited in NEA's Report of the Independent Evaluation Panel to the Florida Teaching Profession, 1978, p. 8).

According to the NEA Florida Panel, a single score on a single test is the basis for denying a student a regular high school diploma. As a result of both the untimely implementation and the single standards policy decision, many students, who otherwise would have received a high school diploma, will be forced into receiving certificates of competency, even though other local and state graduation requirements were completed, because they did not pass the test. This may have real

implications for which handicapped students do not receive a diploma even though they have met other criteria.

The dilemma facing many Boards of Education is how to appease the public concern for written guarantees of the quality of education and also to allow for individual differences in adopting a flexible policy on graduation requirements. In the first instance, whether the policy is set locally or by the state, the mandated "sameness" at a particular proficiency rate (ex. 70% of items answered correctly) would certainly allow the public a rigid standard by which to measure a student's competency to receive a high school diploma.

This particular policy of adopting a single standard of measurement, could settle the "value" issue of the high school diploma, but there are some negative consequences. For instance, local Boards of Education could use the accountability factor against certain groups of students and teachers inequitably. Another negative aspect of the single standard issue is that many youth may continue to be denied equal access to educational opportunities and be segregated, codified, classified and otherwise eliminated from the mainstream of American education.

The following policy option areas are included to help aid decisionmakers in formulating policies, regulations and guidelines in the area of graduation requirements. Special emphasis is given to the possible positive and/or negative aspects of the specific policy area under discussion and the potential implications for handicapped students.

Policy Option Area #1--The Single Standard Diploma

Support for a single standard policy comes because many people perceive that too many students are simply putting in their time and receiving social promotions. A single standard test that all students would be required to pass at a particular proficiency rate would compel the retention of students at certain grade levels until they can pass the test. The presumption here is that if students are denied promotion (or a diploma) then they will work harder. This type of rationalization places

the "burden of proof" on the victim. Data exist to support the fact that most of the students who were retained in grade did not improve and many actually regressed because of the stigma attached to the nonpromotion. In recent studies reported by Cawelti (1978), the only group of students showing any progress as a result of retention were those whose curriculum was modified or changed substantively to reflect their needs.

The policy implications for courses of study changing to reflect emphasis on the "basics" along with teaching the particular skills necessary to pass particular minimum competency tests, is becoming reality in many school systems and states. The type of policy decision that mandates a change in a curriculum or course of studies so that only those courses that teach fundamentals are emphasized could have a very serious negative implication for the Gifted and Talented student. This group of students is only recently being recognized by federal legislation to address their particular educational needs.

Policy Option Area #2--The Differentiated Standards Diploma

Another option for consideration by either states or school systems could be the restricted or differentiated diploma, and along with this, the certificate of competency or attendance. The differentiated diploma would be based on graduated standards that could have provisions for the handicapped as well as the gifted student. One negative policy option implication in adopting a policy of graduated standards is that students could be "trapped" in a curriculum track based on their exceptionality or disadvantaged category and the resultant rigidity could harm not only the school system but also the individual student. Both the handicapped and the gifted student can benefit from programs that encourage them to exceed the minimum and flexibility in any curriculum that would allow for accessibility for the handicapped would certainly enhance the "value" of that education for the handicapped youth.

Certificates of competency for certain basic skill areas or a certificate of attendance could be demeaning for most students and their parents to accept. Except for the most severely retarded or those students with debilitating neurological problems, most students should be allowed access to the programs granting a diploma. If a state or school system elects to adopt a policy that differentiated diplomas or certificates of competency or attendance will be issued in place of a regular or full diploma, then certain groups of students (handicapped) should not automatically be placed in a tract or category where the only diploma they can compete for is the differentiated diploma or certificate. This particular policy could be deemed discriminatory and in violation of Section 504 of the Rehabilitation Act of 1973, along with P.L. 94-142, The Education for All Handicapped Children Act of 1975.

Policy Option Area #3--Standards and Curricular Adaptations

Flexibility and respect for the rights of the individual can facilitate the promulgation and analysis of those school policies affecting the setting of standards that may impact on handicapped students. Standards affecting curriculum can be stated so as to insure access to those courses of study to otherwise qualified handicapped students, who can compete for a regular high school diploma if supplementary aids, materials and resources are provided. Standards affecting testing programs, including minimum competency tests, can be stated so as to allow handicapped students access to the tests:

- with a minimum of modification as to the actual taking of the test;
- with substantial modification (change in format) as to the actual taking of the test i.e., braille, large type, oral readers, typewritten responses;
- with content modifications, i.e. certain groups of handicapped students taking a lower grade level form of a standardized test than their actual grade placement.

General standards for grade promotion, graduation, early exit from compulsory

education and honors programs can be stated so as to insure access to otherwise qualified handicapped students, who can demonstrate the necessary qualifications with or without the provision of supplementary aids, resources, materials, and instruction.

In the broad area of curriculum and curricular adaptations, the practice of modifying a particular course of study to meet the unique needs of a specific student is not novel or revolutionary. One instrument that can facilitate adopting specific curriculums is the individualized education program (IEP) developed jointly by the classroom teacher, special educator, parent and when appropriate, the handicapped student. This document can prescribe the nature and extent of the curricular adaptation necessary in order to insure that the handicapped student can compete and also enjoy the benefits of a regular course or program with his/her nonhandicapped peers.

Adaptations of the regular curriculum or course of studies can also be used as the basis for developing a Special Education Curriculum Guide that can be used in Resource Rooms, tutorial situations, and self-contained classes, to reinforce the teachings presented in the regular class. This procedure or policy option can facilitate the mobility or access of handicapped students to regular education classes and programs needed to qualify for a regular high school diploma.

Policy Option Area #4--Alternative Education Programs

Diversity in educational programs can enhance the learning process for all students. American education has increasingly tried to adapt to meet the growing demands of a more technically oriented society and yet still be accountable for the teaching of basic skills. Changes in the American life style are reflected in the public school environment in a variety of ways. Courses are offered in data processing, drug and sex education, due process rights for students, and courses in radio, television and film production. These are just some of the expanded opportunities available to today's students.

Handicapped students now have more avenues and opportunities for participation in all phases of school life than ever before in history. Along with the impetus of increased public awareness of handicapped students, and federal and state equity laws, is the increased activity of handicapped students and their parents and friends to make school programs more meaningful for the handicapped.

Policy considerations affecting admission to alternative education programs can be stated so as to allow participation by otherwise qualified handicapped students. Alternative programs may be classified as enrichment, vocational/business or remedial. A gifted, orthopedically impaired student may be entitled to participate in an enrichment program or a program for Gifted and Talented students. Allowances can be made by the school so as to insure opportunity for participation on the part of the handicapped student. An emotionally disturbed adolescent, who cannot cope with the regimentation of the normal public school, may be allowed to participate in a work study program that can channel his/her negative energies into productive endeavors. Academic credit can also be given for community involvement activities and work performed in a Sheltered Occupational Workshop, where mildly retarded students work at business/vocational trades.

This area of alternative education programs will increasingly be expanded even to include "optional" programs to teach basic skills, as more states mandate basic skill competencies for high school students. Policy options need to be available to all students, including the handicapped, as standards are revised and policy statements updated to reflect changing educational practices.

Federal Laws and Regulations

Under P.L. 94-142 (The Education for All Handicapped Children Act of 1975) handicapped students are guaranteed a free, appropriate public education and certain other statutory and procedural safeguards. Among these is the right to "free appropriate public education" in the "least restrictive environment" and provisions to insure nondiscriminatory testing for placement purposes. Also central to the

federal law, is the provision for an individualized education program to be developed for each handicapped student to insure that special education and related services are provided free of charge. (20 U.S.C. 1412, Sections 612(1)(4)(5) B., C., 615).

As the scope of the individualized education program (IEP) as set forth in P.L. 94-142 is broadened to accommodate fluctuations in the student's course of studies, the efficacy of the IEP as a determinant for issues on competency-based testing becomes critical. The IEP can be used as the means or management tool (Weintraub and Abeson, 1977) by which students are either excluded in part or in whole from state or locally mandated competency-testing programs, or it can be used to prescribe how the student can take the test. One policy option could be that the special provisions outlined by the IEP would enable certain groups of handicapped students to take standardized or locally prepared competency tests and would also meet the nondiscriminatory testing provisions of P.L. 94-142. These nondiscriminatory provisions for testing and testing instruments were first outlined in P.L. 93-380 (1974) along with procedural safeguards to insure the handicapped student's due process rights in a placement hearing.

Since the IEP already calls for a "description of the extent to which the child will participate in regular education," the IEP can be used to clarify, on an individual basis, specific graduation requirements. This policy option is already being considered in California, Missouri, Massachusetts, and South Carolina to identify how a student should take any mandated competency test that is used as a graduation requirement, and to describe the assessment process and procedures in the IEP.

Another piece of landmark legislation was passed under P.L. 93-112 and is cited as Section 504 of the Rehabilitation Act of 1973. This section reads in whole:

> Sec. 504. No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Since most states and local school districts are the recipients of a variety of federal grants and monies, the provisions of Section 504 aptly apply to the discussion regarding the handicapped and graduation requirements. If minimum competency test standards as a graduation requirement are applied discriminately, then educational inequities may result. If excluded from certain requirements solely on the basis of being handicapped, or classified handicapped, or in Resource Rooms, or other special education programs for the handicapped, then claims of violations of Section 504, P.L. 94-142 and the 14th Amendment may prove to be substantiated.

State Plans for Special Education

Under the provisions of P.L. 94-142, states must submit Annual Program Plans for Special Education to the Bureau of Education for the Handicapped (BEH). Included in these Plans are safeguards to insure delivery of programs and services for handicapped students to be in compliance with P.L. 94-142. There are no specific references or safeguards outlined by BEH regulations with respect to graduation requirements. In the State Plan documents themselves, there is no reference to courses needed to compete for a high school diploma or what exemptions there are (if any) for handicapped students. Many states refer to state education laws and regulations for regular education. For example, in the New Hampshire State Plan under education required...

> "A handicapped child capable of being benefited by instruction shall receive such instruction until such time as the handicapped child has acquired education equivalent to a high school education or has attained the age of 21 years." (H.B. 691 RSA 186-A:6)

The Maryland State Code for Special Education refers to S.B. 284 (1968) revising Article 77 with reference to diplomas for handicapped students, Section

85 is cited herein in part:

> 85. Diplomas; institutions of higher learning.
>
> (a) There shall be (1) type of diploma or certificate issued to all students graduating from county high schools regardless of the high school attended or the course taken. The diploma or certificate shall state that the student has satisfactorily completed a program of studies in accordance with the requirements of the State Board of Education.

And, from Oregon law on Special Education Programs (Section 343.295) is language pertaining to a document awarded to handicapped students for successful completion of a program of studies. (Section 343.295) is cited herein:

> 343.295 Document of successful completion. The school district shall award to handicapped children a document certifying successful completion of program requirements. No document issued to handicapped children educated in full or in part in a special education program shall indicate that the document is issued by such a program. (1975 c.621 sec. 3)

In addition to the states illustrated above, the following states have revised state education laws and regulations to accommodate provisions for the handicapped to meet and/or be exempted from graduation requirements: California, Vermont, Michigan, Florida, New York, and South Carolina. Appendix A indicates recent trends in this area of revised state school laws and regulations and provisions for the handicapped.

Also, the following local school districts have particular policies that provide for handicapped students to either meet or be exempted from specific graduation requirements centering on minimum competency testing programs: Syracuse (N.Y.) School District, Salt Lake City (Utah) School District, and Council Bluffs (Iowa) School District. (AASA, 1978)

Overall Impact of Legislative Decrees

The potential impact of laws and regulations affecting all students with respect to additional requirements for high school graduation has been highlighted with particular emphasis on the handicapped. Policy options and implications of those options were presented to emphasize the particular consequences to handicapped students that could result by adoption of a particular policy. The next

section will highlight and summarize selected judicial decrees impacting on evolving educational practices that could have policy implications for handicapped students.

II. IMPACT OF THE JUDICIARY ON EDUCATIONAL POLICIES

The issue that has raised the public consciousness of late is the value of a high school education and more specifically a high school diploma. This "valuableness" has come under close scrutiny by citizens' groups. business and vocational institutions, the political arena, as well as in the courts. In the State ex rel. Sageser v. Leaketter (1978), a Missouri high school student was denied a diploma by the School Board. The student, who had been suspended from school and refused to return after suspension for the remaining eight weeks at the close of his junior year, had completed the required number of credits needed for graduation by the end of his senior year. The Board refused to issue a diploma to said student because he had not fulfilled the Board's consecutive semester attendance requirements. The court found that the action of the School Board had been arbitrary and the attendance rule had been applied unreasonably and unequitably to an otherwise qualified candidate. The court by writ of mandamus, ordered the Board to issue the student a diploma.

The holding in this case has significance to handicapped students because the court determined that any rule applied arbitrarily and unequitably to otherwise qualified students was discriminatory, and as such, grounds for retribution. Some handicapped students are mentally and emotionally capable of competing with their nonhandicapped peers in scholastic endeavors when modifications are allowed as to the manner in which they compete. Blind students need braille, large type, or "talking books;" deaf students need hearing aids and/or visual cues and the physically handicapped need to use instruments such as typewriters instead of paper and pencils, in order to compete. To make a handicapped student settle for less than his/her nonhandicapped peer because the manner of attainment of a certain goal was different is to add insult to injury and to potentially deprive the handicapped student of guaranteed constitutional rights. (In the State ex rel. Sageser v. Leaketter, 559 S.W. 2d 230 (1978) in S.L.B., April, 1978).

In another case, Mahavongsanan v. Hall (1976), a foreign student was denied a degree from the graduate school of Georgia State University School of Education because she had not successfully passed a comprehensive exam which was instituted six weeks prior to the plaintiff's completion of her courses. Plaintiff had completed all the course requirements and maintained a "B" average, which were the only qualifications so stated by the university at the time of her enrollment. The Court held that the university "breached a contract" with the plaintiff which was in effect and so stated in the university's own catalogues and bulletins. Moreover, the Court rules that withholding the degree is a deprivation of a valuable property right without due process and is a constitutional violation. The university was ordered to grant the degree. The case was reversed on appeal to the 5th Circuit Court of Appeals which decided that substantive due process was not violated by the university in that the notice was deemed timely by the Court in this instance. However, the questions of timely notice and (the diploma as a) valuable property were considered substantive issues by the Court and grounds for retribution. The implication of this decision for handicapped students is that arguments can be advanced that address the issue of timeliness in implementation of any test and more specifically competency-based tests as a graduation requirement. Also, advocates for the handicapped could argue that the possible deprivation of a diploma as a result of failure to perform to standard on a competency test could be grounds for a writ of relief in that a valuable property right (diploma) was denied without equal protection of the law. (Mahavongsanan v. Hall, 529 F. 2d 448 (5th Cir., 1976) 401 F. Supp. 381 (1976) 531 F. 2d 575 (1976) in S.L.B. June, 1976).

Questions of valuable property right, right to appropriate education and breach of duty (to educate) have also been addressed in two recent "educational malpractice" cases: Doe v. San Francisco Unified School District and Donohue v. Copiague Union Free School District. These cases have implications for the handicapped with

respect to graduation requirements. In the Doe case, the practices of the school system were upheld but the option for further litigation on the grounds of a student having to demonstrate achievement of a State mandated reading level before issuance of a high school diploma could develop. In the Donohue case the appeals court affirmed the district court ruling that an individual student may not sue education officials for educational malpractice on breach of duty (to educate) grounds. The Donohue case is distinguished from Doe in that the court ruled that the State (N.Y.) constitution's education provisions "were not intended to protect against the 'injury' of ignorance and that it is not within the judicial function to evaluate conflicting theories of education." The court in the second case ruled no precedents and that policy considerations alone bar education malpractice lawsuits. (Donohue v. Copiague Union Free School District ___A.2d___(St. App. Ct. 1978)).

The first case is Peter Doe v. San Francisco Unified School District (1977), wherein the plaintiff, a recent high school graduate, contended that the defendant failed to provide him with adequate instruction in the basic academic skills. He (Doe) was graduated from high school without being able to read on an eight grade level as required by state law. His claim is negligence on the part of the school system in breaking a duty, and breach of promise, to provide him with the proper instruction, and to accurately report to his parents the extent of his reading disabilities. The court held that no liability was incurred by the school system either in negligence to perform an alleged duty of care (to instruct) to plaintiff, on solely attendance at school reasons; or on the companion issue of misrepresentation to his parents by the schools of the reading ability level of the plaintiff. The implications for handicapped students with respect to graduation requirements lies in whether the application of State school standards and regulations is equitable and nondiscriminatory to certain classes of students. (Doe v. San Francisco Unified School District, 131 Cal. Rptr. 854) in (S.L.B. Feb., 1977)

In the second case, Donohue v. Copiague Union Free School District (1978), a lawsuit was filed by a former student of the school district charging the school officials with negligence. He (Donohue) stated that the school district had violated education requirements of the state constitution because he was permitted to graduate, even though he had failed several subjects and lacked basic reading and writing skills. The court ruled that the plaintiff had no grounds for cause in bringing a malpractice suit of this nature. The appeals court further ruled that permitting such lawsuits would "require the courts to oversee the administration of the public school system." The court added that the claim of educational malpractice would be difficult to prove, since "the failure to learn does not bespeak a failure to teach." (Donohue v. Copiague Union Free School District ____A. 2d____(St. App. Ct. 1978)).

The implications, for handicapped students, of both Doe and Donohue lies in the application of state standards for academic achievement and what provisions, if any, cause exclusion for certain classes of students to be permitted in either curriculum, programs, or awarding of a diploma.

Usually the judiciary is a last resort, after other administrative channels or remedies have been exhausted. However, in the Robinson v. Cahill (1975) case, a New Jersey court, in trying to define the article in the state constitution that required the state to have a "thorough and efficient system of schools," ordered the implementation of a statewide minimal competency testing program (Wise, 1978). The lawsuit was originally brought on behalf of certain New Jersey communities which claimed unequal protection of state law in educational expenditures by the state to localities with differing tax bases. In trying to make a determination of the extent of the state's fiscal responsibility to the schools, the court ordered: "(1) establishment of educational goals; (2) instruction intended to produce the attainment of reasonable levels of proficiency in the basic communications and computational skills; (3) evaluation and monitoring programs." (Robinson v. Cahill

351 A. 2nd 713 (1977)) The holding of this case is significant for two reasons: (1) the state legislature was instructed to implement and supervise a system of educational checks and balances (accountability) vis a vis minimum competency testing with standardized tests and (2) Robinson is the only (as yet) general school finance case which has come close to utilizing terminology and language found primarily in exceptional child litigation. (Singletary, Collings, and Dennis, 1977) The case made use of the terms, "equal access to educational programs," "thorough and efficient level of education," and "differing needs of pupils." (Singletary et. al. 1977) Robinson is also distinguished from previous exceptional child-school finance cases (i.e. McInnis v. Shapiro and Burruss v. Wilkerson) in that it recognized both "(a) equal access to wealth, and (b) provisions for educational needs of students or 'differing needs.'" (Singletary et. al., 1977).

Whether the state accountability and testing program mandated by Robinson ultimately helps or hurts handicapped students has yet to be proven. One impact of this legislation is already being felt in New Jersey in teachers' evaluations, and the New Jersey Education Association (NJEA) is threatening to sue that state. The issue causing concern is the intent of the state legislature to use students' performance on standardized tests as a means to evaluate teachers and also as grounds for dismissal of even tenured teachers. The state board of education teacher accountability plan would not penalize teachers, whose students do not do well on the tests, but, the teacher will be required to meet with an evaluator, who will take the (low) students' test scores into consideration for the teacher's job evaluation.

Some possible outcomes of a policy decision as New Jersey's would be to cause the exclusion of slow learners or handicapped students (1) from being "mainstreamed" into regular classes, (2) from taking standardized tests (so that school systems can be protected against the possibility of negative skewness in the test results)

and (3) from taking minimum competency tests so as to cause them to be eliminated from courses, requirements and programs leading to a high school diploma. Teachers will be reluctant to have handicapped students included in their classes, if their jobs or promotion possibilities could be curtailed because of low scores, by this group, on mandatory testing programs. The very real emergence of tracking programs, in the guise of remedial education to help those students who "fail" competency tests, has become an issue of some concern to both parents and educators.

Tracking systems for placement of minority and poor students were successfully litigated in Hobson v. Hanson, 369 F. Supp. 401, 514 (D.D.C. 1967) by application of the equal protection and (by implication) rights to education clauses under the 14th Amendment. The case was also affirmed on appeal to the D.C. Circuit Court of Appeals in Smuck v. Hobson, 408 F. 2nd 175., (D.C. Cir. 1969) Also, the landmark case of Diana v. State Board of Education of California, C.A. No. 3-370 RFP (N.D. Cal. Jan. 7, 1970 and June 18, 1973 (in Law Briefs et. al. 1977), safeguarded the rights of minority students from being placed into programs for the retarded on the basis of a single test.

The "single test" example is significant in that past proven discriminatory practices of a school system are taken into account when a school system initiates a testing program that could cause further segregation of students by either race or intelligence. The following case will illustrate this judicial thinking.

McNeal v. Tate County School District (1976), a case of ability grouping, was appealed by plaintiffs to the 5th Cir. Ct. of Appeals. The higher court reversed the decision of the district court which held that segregated classes for minority students were acceptable on the basis of a test of ability, since the school system as a whole was "unitary" and, therefore, the practice was not discriminatory and was considered "educationally sound" (McNeal v. Tate Co. School District, 508 Federal 2d 1017 (5th Cir. 1975) in S.L.B. June 1976).

The Hobson, Diana, and McNeal cases are significant for handicapped students because the courts have ruled in the past that tracking systems and ability testing programs that cause discriminatory practices to occur in school systems are suspect and are not allowed under grounds contained in the 5th and 14th Amendments of the U.S. Constitution. Another implication of state or local mandated testing programs whether standardized, or more recently, competency based, is that if these testing programs are hastily designed or implemented, then "timeliness" becomes an issue and due process procedures could be violated, especially if these testing programs are used for grade promotion or as a prerequisite for a regular high school diploma.

For example, a federal district court judge in Florida handed down a decision in Debra P. v. Turlington (1979), which challenged Florida's minimum competency program on the grounds that it was racially discriminatory. United States District Court Judge George C. Carr held that the test was not discriminatory but that a disproportionately high number of minority students had failed because they attended segregated schools during their first three years of high school. Consequently, the test cannot be used in Florida as a basis for awarding a diploma until 1982 because all students had a right to a greater warning that the test would be required for graduation. Undoubtedly, this decision could have considerable influence on legislation, litigation, and educational practice in other states in the future (Debra P. v. Turlington, U.S. District Court, No. 78-892-Civ.-T-C, 1979).

Summary Observations

The main judicial arguments put forth in this section dealt with the rights of students inherent in the 5th and 14th Amendments which protect against discriminatory, exclusionary or arbitrary application of educational standards, or policies to any one group(s) of students. Applications of the specific cases

cited were made as to their possible impact on programs and services for handicapped students. Options for legal redress or remedies were discussed as final measure actions after local and state administrative appeal procedures have been exhausted. However, certain policy issues remain unclear and educational agencies will need to change or clarify those standards that could be deemed discriminatory.

The policy issues ripe for litigation surround the difference in diplomas, which groups of students are singled out for the "different" diplomas, and in a larger measure, particular state laws that are now challengeable with minimum competency standard requirements for obtaining a diploma. Some of the following issues are already areas of litigation, and have been addressed previously in the Legislative section under implications of changes in graduation requirements for exceptional students (both handicapped and gifted):

- tracking systems, and discrimination against minorities and handicapped;
- conflicts between state statutes and federal laws, re: competency-based testing programs (P.L. 94-142 and Section 504 of the Rehabilitation Act of 1973 have provisions for nondiscriminatory testing for the handicapped);
- due process and equal protection cases (1st, 5th and 14th Amendments);
- property rights and vested interest cases concerning eligibility for a high school diploma; and
- testing programs that are hastily designed or implemented could violate acceptable timelines causing discriminatory practices to occur.

III. IMPACT OF EDUCATIONAL RESEARCH ON EDUCATIONAL POLICIES

Although educational research does not have the glamour of exposure as does the Judiciary and the Legislature, many timely analysis and reports are influencing educational policy decisions today. Education reports on the state of the art of public education in America by Kirp (1974), Jencks (1978), Brodinsky (1977), Wise (1978), Brickell (1978) and Pipho (1978) among others, have been used by State Legislatures and Boards of Education to help shape policy decisions affecting educational practices. The courts have also turned to leading educational researchers to help explain policies in school law cases. In this section, selected educational research reports, articles and policy decisions on graduation requirements and minimum competency testing programs will be analyzed as to their potential impact on educational programs and related services for handicapped youth.

Overview

As has been mentioned before in this policy options paper, the Back to Basics movement organized by citizen groups, business and industry groups and concerned parents and educators has brought pressure on state and local legislatures and boards of educations to tighten up school standards and institute stringent accountability measures. The areas of most recent concern center around graduation requirements leading to a high school diploma; policies on "social" promotions; and suspected illiteracy of high school students and graduates in the basic skill areas. The means of choice for many states to insure accountability has been the Minimum Competency Testing movement. Since a test of minimum competencies is central to this movement, educational standards could be adjusted or readjusted by the state or local community to meet the demands of the test. The test then could assume paramount importance in determining curriculum and courses of study for the school systems, teachers and students under a state or local mandate to prove accountability. Regulation of education, and more recently of property tax

issues that control educational expenditures (California--Proposition 13), has focused citizen concerns on the products of the education process.

These products are usually considered to be the tangible skills and competencies displayed by students as a result of twelve years of public school education. The standard used to demonstrate the culmination of this achievement is the high school diploma. In turn, it is those standards used to determine the skills, courses and applications of skills necessary to receive the diploma that are undergoing review and revision by many states and local boards of education.

A policy implication question could be asked as to whom will ultimately benefit most from restructuring of standards by means of competency-based testing. The student? The community? Or the large testing companies? Each group has a lot to gain but only the student group could suffer any losses. Also, what happens to local control of standards when states, such as Florida and Virginia, contract with privately owned testing companies to determine competencies in basic skill areas? Each question raised is legitimate and based in the reality of what is currently happening in school districts all over the country. Special interest and advocacy groups i.e. minority and handicapped are watchful of competency-based testing (CBT) issues lest hard won gains are voided by regulations which limit the handicapped student's access to regular education programs.

Another policy implication could develop when a state mandates testing in a specific subject or basic skill area and also mandates the specific test to be used. What could happen is that local or community involvement in any policy decision-making process is voided. In these instances, the local education agency (LEA) is almost propelled into "teaching to the test," in order to fulfill the demands of accountability placed on it by the local community and the state.

Often, negative implications for both students and teachers can occur when a school system adopts a policy of testing to teach and teaching to test. In this instance, goals can become fragmented, splinter skills can be emphasized to the

detriment of skills developed in a logical sequence over time, and a general feeling of anxiety is permeated throughout the school environment.

In a recent Gallup Poll (1978), the respondents indicated by a two to one margin that students should only be promoted from grade to grade if they can pass examinations. However, 37% of those same respondents indicated that the tests should be prepared at the local level (Education Daily, Sept. 18, 1978). Also, in the same Gallup Poll the citizens surveyed were asked to indicate what graduation requirements should be set for students not going on to college. The poll respondents listed (in priority): "writing, reading, arithmetic, knowing the health hazards of smoking, alcohol and drugs, and salable skills such as typing or auto mechanics." (The Gallup Poll as cited in Phi Delta Kappan, September, 1978, p. 40).

If the Gallup Poll is an accurate indicator of the climate of the times, then the American public is becoming more demanding and less ready to accept excuses from the education establishment with respect to students who are barely literate when they graduate from high school.

Senator George McGovern (D.-S.D.), in a statement in the Congressional Record charged that illiteracy in American is a chronic problem that is becoming worse, that the present education system "faces an inherent conflict of interest in attempting to address the problem of literacy," and that an independent commission is needed to study the problem since education-related federal agencies" absolve the industry they are supposed to evaluate." (As cited in Education Daily, Sept. 14, 1978) McGovern will introduce legislation to create an independent National Commission on Literacy and this commission will also look into developing optional national criteria for competency testing along with evaluating the strengths and weaknesses of federal and state compensatory education programs, and the effects of social promotions.

Public opinion can be constructively channeled and most effectively used to

determine the scope of competencies to be used as a graduation requirement either by State legislature or State Board of Education regulations by first establishing local committees to generate specific goals and objectives on which to base competency-based testing and education programs. However, to preserve local control of standards, the how that an LEA uses to assess the extent of a competency should not be in the hands of the national testing companies, albeit through the auspices of the state, but should be determined by what the local community values to be important for adult living.

Three different types of skills are usually the focus of discussion when considering what types of competencies should be required for graduation:

- academic or school subject skills (core courses, i.e., English, U.S. History, Health and P.E.)
- basic skills (reading, writing, arithmetic)
- adult living skills (applications of basic skills)

Each local school system should establish in advance of any competency testing program those standards which are meaningful and useful to the community and also the specific objectives to measure the standards. What is determined to be a competency in one locality may not be a priority in another. A negative policy implication can occur when competencies are determined on a state level, or even nationally, and they have little or no validity on the local level. Brodinsky (1977) reported that many educators feel that state mandated competency testing programs will give rise to a growth of state power at the expense of the local school board and the strong possibility of a state control over all local educational matters. Federal and state laws already exert a substantial amount of control over local school policies and minimum competency testing laws could add to the erosion of local control.

Minimum Competency Testing and the Handicapped

Educational research and reports on the rise of minimum competency testing programs across the nation have emphasized the plight of students caught in a

pedagodical power struggle between education forces and legislative mandates. Certain authors, Haney and Madaus (1978), McClung and Pullin (1978) and Candor-Chandler (1978), have illustrated in their reports and studies, concerns for the gifted as well as the handicapped student caught on the periphery of the minimum competency testing issue. These authors all describe the potential for discriminatory practices in testing procedures, exclusionary policies for certain "classes" of students (minorities and the handicapped) and state and local school board policies which prevent handicapped students from sharing in educational opportunities (diploma, courses and curriculums) offered to nonhandicapped students.

In analyzing the reports of the above mentioned authors, certain features emerged as key areas for concern to handicapped students:

(a) Access to regular school programs and services, which may be denied because of "tracking" programs instituted by results of minimum competency testing (MCT) programs,

(b) Modifications in procedures that would enable certain handicapped students to take minimum competency tests that are required for a high school diploma,

(c) Exemptions and different standards and testing programs as outlined in the IEP for those severely handicapped students for whom MCT would be inappropriate,

(d) Access to a <u>regular</u> high school diploma if the necessary state and local standards are completed,

(e) Gifted and Talented students could emerge as a very neglected minority group as a result of a return to "basics" emphasized by MCT programs, and

(g) MCT programs could discriminate against students enrolled in vocational education programs.

Certain approaches were mentioned by Candor-Chandler and McClung and Pullin as possible options for making school practices more equitable for handicapped students. One way to summarize the different approaches is to consolidate the authors' suggestions into policy option statements.

Policy Option #1:

A single standard (diploma) will be issued to all students regardless of courses taken for successful completion of a prescribed course of studies and the school transcript shall indicate the exact nature of the student's program.

Positive Aspects of Policy #1:

All students without regard to category shall receive the same document (diploma) for successful completion of a course of studies. Prospective employers can look to the school transcript which the student would provide, to judge the nature of the student's program and make determinations of job skills competency for possible employment. Confidentiality of student records would also be secured by these procedures.

Negative Aspects of Policy #1:

Without the addition of the school transcript, employers may make assumptions about a student's capabilities in specific competency areas which could lead to a failure situation developing for both student and employer. Also, certain special interest groups would argue that the diploma would lose "value" and become a diluted commodity.

Policy Option #2:

Differentiated diplomas and/or certificates or competency or attendance will be issued to all students who fail to meet some graduation requirements including any mandated competency testing programs.

Positive Aspects of Policy #2:

This policy would offer "degrees" of courses to those students who are unable to fully compete with their peer groups. In treating all students alike with respect to meeting graduation requirements, the

handicapped would not be "singled out" as a class to automatically be denied regular diplomas because of the nature of their special programs as outlined by the IEP. This measure would also give "value" to a full or regular diploma which could serve as a standard for a specific level of competency or achievement for the community.

Negative Aspects of Policy #2:

Differentiated diplomas or certificates may be considered discriminatory and demeaning to both handicapped and minority students, who may not be able to compete with other students because of disadvantaged circumstances. These students could "fail" graduation requirements and competency testing programs because they need modifications in testing procedures and additional resources to successfully compete in the regular school curriculum. This particular policy option could give rise to complex Section 504 issues.

Policy Option #3:

This would consist of a combination of the above mentioned policies. A dual system of diplomas would be recognized, and adjustments in standards would be on an individual basis, with administrator, parent and student involvement in the decision process.

Positive Aspects of Policy #3:

This system would allow for individual student differences and all exceptional students (gifted and handicapped) would be evaluated per the IEP on a case by case basis to determine if they can meet the requirements for a regular diploma; or if modifications need to be made so that they can participate in minimum competency testing programs.

Negative Aspects of Policy #3:

Although flexibility would be advanced by adoption of this option, confusion over dilution of standards could exist.

Policy Option #4:

Procedures will be stated so as to insure access to all curriculum programs and courses of study by all students. Standards setting for courses of study and the curriculum will reflect the varying needs and abilities of all students.

Positive Aspects of Policy #4:

All students without regard to category will have access to the regular course of studies and those curriculum program leading to a regular high school diploma. The doctrine of equality of educational opportunity would be secured by this procedure.

Negative Aspects of Policy #4:

Lowering of standards for certain academic and vocational courses to allow access to those courses by minority, handicapped or disadvantaged youth may lessen the quality of work output.

Policy Option #5:

Curricular adaptations and modified curriculum programs will be offered to all students who demonstrate a need for such modifications in order to benefit by instruction. Standards setting for these modified curriculums will reflect the varying needs and abilities of the students participating.

Positive Aspects of Policy #5:

Individual considerations for the need for curricular adaptations or modified curriculums can be made on a case by case basis. Input from students, parents and teachers can enhance the learning process for the students involved. Not all aspects of the curriculum need to be modified and students will not be locked into a particular educational "track" without recourse to change.

Negative Aspects of Policy #5:

Leniency of standards for those curriculums modified to meet the educational need of minority, disadvantaged and handicapped students, may cause unrest in the school community.

Policy Option #6:

Alternative education programs will be available to all students. Standards setting will reflect the individual needs and abilities of the students participating in approved courses of study apart from the regular curriculum.

Positive Aspects of Policy #6:

Individual differences will be recognized and students' specific strength areas can be maximized. Program selection on a continuum of ability/interest levels can offer stimulation and diversity for all students.

Negative Aspects of Policy #6:

Alternative programs can emphasize "elitism" in enrichment courses and lead to segregation of certain other classes of students in the vocational and remedial classes. Care must be taken that separate "schools" do not come into being within a singular school setting.

These policy options statements are illustrative and are not exhaustive of educational research and practice with respect to programming concerns for providing appropriate educational opportunities to all handicapped students.

Overall Impact of Educational Research

School systems should plan for options early on in a student's school career. Competency-based tests (CBT) can be used most efficiently when they are used in conjunction with remediation programs. An early warning system in the elementary grades can help identify students' strenghts and weaknesses. A task analysis can then be done to determine how best a child learns and what particular methods and

materials are needed for the remediation program to be successful. Experience has shown that the most successful remediation programs occur when the student is not separated from the mainstream of his/her own particular environment, which means that resource personnel have to be readily available to plan individual remediation programs with the classroom teacher. This means adequate release time for the teachers and adequate and ongoing funds to purchase materials, equipment and inservice time. Schools and communities must be convinced that children and children's school programs are their most valuable assets and plan together to make the most out of their tax dollars going toward education programs. Tests will not necessarily make better citizens, but care and concern in providing equal educational opportunities for all students will make a difference. Graduation requirements for the handicapped and for all students need to be meaningful, realistic, and equitably applied. Educational opportunity for all students is a birthright to be shared and safeguarded by all citizens.

Appendix A

Recent Trends in Minimal Competency Testing (MCT) and Diploma Provisions for the Handicapped cited in State School Laws and Regulations

STATES	Actual Language for exemption of Handicapped in MCT Programs	Actual Language for inclusion of Handicapped in MCT Programs	IEP mentioned in Actual Language	DIPLOMA PROVISIONS a. same document for all students	b. differentiation document for handicapped	c. option left to local districts
California			X		X	X
Florida		X			X	
Maryland	X			X		X
Massachusetts	X	X	X			X
Missouri		X	X			X
*New Hampshire				X		X
New York			X		X	
Oregon		X		X		
+South Carolina	X		X		X	
Vermont	X					X
Virginia		X				X

* Minimal Competency Testing Plan under study

+ 1978 Legislature mandated the State Board of Education to develop a separate testing program and separate standards for handicapped students per the IEP.

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